

1887-005 Chancery Causes: Daniel B. Bales, surv. to vs. A. D. Thompson & Lee Co.

Robinson, Surgenner, Surgenner Bales & Co., Weston, Jayne

CA-Debt

T-Property

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County, Virginia

Humbly Complaining your Orators Daniel B.
Bales & Mr. Robinson Surviving partners of themselves
and A. R. Sargenmer dead. late Merchants & partners in
trade under the firm name of Sargenmer Bales & Co.
would respectfully show unto your Honor that on the
6th day of Nov. 1885. said Sargenmer Bales & Co. obtained
two judgements at law before a justice of the peace
for said county. against one A. D. Thompson which are
herein filed marked A & B respectively, and are prayed
to be made parts of this bill, by the first of which, the
said firm recovered of said Thompson the sum of \$5.10 with
legal interest thereon from the 6th day of Nov. 1885 till
paid and one dollar ^{& 55 cents} cost before said justice, and by the
second, they recovered the sum of \$4.33 with legal interest
thereon from the 31st day of May 1885 till paid and \$1.55
for cost. And each and every part of said two judgements
is now due to your said orators as successors of said firm so
part thereof having ever been paid at any time to any one

Your Orators state that executions were issued on said
two judgements by the justice who rendered them & were
placed in the hands of a constable to be levied & collected
according to law, but instead of doing so, he has returned
them to the clerk's office of Lee County "as property found" when
they have been placed by the clerk of the county court on the
judgment lien docket kept therein, and entered on the
justice's execution book likewise kept in his office

Complainants state that as their said two judgements

at law amount in the aggregate to less than \$20.00 in order to give your Honor jurisdiction to enforce the lien thereof by bill in equity it became necessary under the Statute in such cases to give to the defendant 60 days notice of the intent to file such bill unless such judgment should be paid on or before said time should expire, And in conformity to the requirement of that Statute your Orators have given said Thompson such notice as is shown by the paper here filed as part hereof marked (B)

Complainants further state that some years ago said A.D. Thompson purchased of said A.R. Surgenner a small tract of land lying on the waters of the "Yellow Branch" some 12 or 13 miles west or southwest from Jonesville containing about acres more or less adjoining the lands of

And at the time of said purchase said Surgenner executed to said Thompson a deed, by which he bound himself to convey to said Thompson the legal title to said land when the purchase money therefor should be fully paid. And Complainants now state that said purchase money has been fully paid. And although the purchase money has been paid, yet the said A.R. Surgenner died intestate before executing a deed of conveyance for the ^{land} so sold by him to said Thompson, & the latter is now the equitable owner thereof. The said A.R. Surgenner at his death left a widow Nancy E. Surgenner, five children his heirs at law to wit John Surgenner, James E. Surgenner, Stephen S. Surgenner, Susan ~~Elizabeth~~ now the wife of Mr. Weston, and Sarah - now the wife of James H. Jaynes; The title to the land so purchased

by said Thompson from A.R. Surgenner at the death of the latter descended to his five heirs above named, and three days after A.R. Surgenner's death, his said son John Surgenner who was over 21 years old died intestate without issue, so that his one fifth of said land descended to his Mother & Brothers and Sisters above named:

Complainants are advised that their said two judgments operate as liens on the equitable title of said A.D. Thompson in said land and that a Court of equity will enforce the lien thereof by decreeing the same to be sold for the rents and profits thereof will not in five years time pay the same and to obtain that relief is the object of this bill

Complainants pray that said A.D. Thompson, Nancy E. Surgenner, Jas. E. Surgenner, S.B. Surgenner, Wm. Weston ^{Deceased} Elizabeth Weston, James H. Jayne and Sarah Jayne be made defendants to this bill and be required to answer the same on Oath, and upon a hearing of the same a decree be entered in favor of Complainants against said Thompson for the aggregate amount of said two judgments and costs and that said land or so much thereof as may be necessary be decreed to be sold to pay the same. And Complainants pray for all general relief. May the honorable Court of Eq. issue decrees &c.

Henry J. Morgan for Plffs

C 8.16
 S 4.50
 A 15.00
 \$27.66

88 90
 Sales + Robinson Sur. or

vs } Bill in Chy

A. D. Thompson & others.
 1886, Octo Bill filed

3pa Exd on A. D.

Thompson + D. Nisi as to him

" Join D. Nisi as to
 debt, Thompson
 and continued

1887 Febry 3pa & d. as to other
 debts + D. N. as to them

" Mr D. N. Gufd. + cause
 set for hearing

March term these
 causes consolidated
 + Decree for sale

" Aug Decree final

To the honorable John A. Kelly Judge of the
Circuit Court of Lee County Virginia.

The answer of A. D. Thompson to a
bill filed in your honor's Court against
this respondent & others by Bales & ^{Surgener} Robinson

Respondent reserving the right to except
to said Complainants bill for any cause
whatsoever, answering says it is true, that
the late firm of Surgener Bales & Co recovered
against him the two judgments in
the bill mentioned, and he supposes
it is true that executions issued thereon
and were returned as alleged in said
bill, and that said judgments were doc-
umented &c as charged therein, And it is
also true that respondent purchased
from A. R. Surgener a small tract or
parcel of land on which he now resides
but it is not true that the purchase money
has been fully paid but there is a small
balance due thereon. And it is not true
that said land will not rent for a sum
sufficient in five years to pay and discharge
said judgments and the small balance
of purchase money due thereon, but on
the contrary said land, which contains
about 40 acres outside of some small
parcels sold off by respondent, will rent
for a sum more than sufficient to pay

said judgments and the small balance
of purchase money thereon, which is be-
tween one & two dollars. within less than
five years. And now having answered
your respondent's prayer to be hence dismissed

A. D. Thompson

Richmond & Orr, attys
for Respondent.

Virginia, Lee county, to wit.

This day A. D. Thompson personally
appeared before me and made oath
that the facts stated in the foregoing
answer are true to the best of his knowl-
edge, information & belief. Nov 23rd 1886.

J. H. Syatt & Co

A. D. Thompson

ad. 3

Robert Thompson Esq

Filed in open Court
by leave thereof
Nov. 26, 1886.

J. H. Syatt

Bales & Robinson	Suor	Peffs	} In Chy
vs.			
A D. Thompson		Deft	} In Chy
John B. McLin		Peffs	
vs.			} In Chy
A D. Thompson		Deft	
vs.			} In Chy
A D. Thompson		Deft	
B B Bales.		Peffs	} In Chy
vs.			
A D. Thompson		Deft	

These causes came on again to be further heard on the papers formerly read therein, and the report of Comr. H. J. Morgan dated June 2 and filed in the cause June 4th 1887. Showing that the tract of land in said causes mentioned had been rented out for five years for a sum sufficient to pay the debts and costs of suit and sale; and was argued by counsel. On consideration whereof, said report being accepted to. It is adjudged ordered and decreed that said report, be and the same is hereby confirmed and that R. C. Hamblen the lessee of said land is entitled to the use thereof for 5 years from May 17 1887. and no further action being necessary said these causes are dismissed & stricken from the docket;

Bales Robinson

20 3 Decm No 2 final

A. D. Thompson

Entered page 413
C. O. Book No 3.
J. A. G. Hyatt
c.c.

Enter this
14.2.1887

May 30 1887

Bales & Robinson Suro. & Peffs	}	In lch
as		
A D. Thompson & al	Defts	}
John B. McLin	Peff	
as.		}
A D. Thompson & al	Defts	
C. C. Bales.	Peff	}
as.		
A D. Thompson	Deft	In lch

To the Hon H. S. K. Morison Judge of the Circuit Court of Lee County Virginia

The principal and interest and costs at law due in the several small judgments referred to in said three causes, when calculated down to May the 17 1887. amounted to \$73.66 and the costs of said three suits and commissions on renting amounted to \$41.05 & these two sums added together makes the sum of \$114.71

Pursuant to the decree of your Honor entered in said three causes on the 29th day of March 1887. After due advertisement, I proceeded at the front door of the court house of Lee County on the 17th day of May 1887. that being county court day, to offer ^{for rent} the land in the bills mentioned for the shortest space of time that the same would yield the requisite sum on the terms prescribed by the said decree, when Robert C. Hamblen offered for the use of said land five years the said sum of \$114.71 and no one offering to take the rents and profits of said land for a shorter period and pay said debts and costs, the R. C. Hamblen became the lessee of said land at that price for the period of five years from May 17 1887.

The said R. L. Hamblen thereupon paid me said Sum of \$41.05 and executed his note to me as Cont. for \$78.66 with John M. Dwell as security bearing interest from date, payable in equal annual installments, during said period of five years.

This little piece of land rented for a good full price, and hence I think this leasing should be confirmed: The security in said note for the deferred payments I regard as perfectly good for the amount thereof & for much more.

As to the \$41.05, the costs of said note and renting I have disposed of the same, as shown in the following tabular statement.

Cash received on day of sale for costs, commission & \$41.05	
By attorneys fee retained in cause of M. Lint.	\$15.00
By 5 per cent commission retained on \$114.05	5.70
1 By this Sum paid John A. B. Hunt. Clerk. fee	16.00.
2 " " " " J. H. Ewing Sheriff fee	6.50
On account this Sum	2.15
<hr/>	
Total \$32.20	

From this statement it is seen that after retaining the fees due me, I have paid out \$2.15 more than I have received, which ^{will} stand to my credit, in the cause.

All which is respectfully submitted

Henry J. Morgan Cont.
June 2 1887.

Bales & Robinson Survey.
John B. McLean
G. C. Bales.

Vol. 3 Cont-Report of survey

A. D. Thompson

Filed June 4 1887.

J. H. Hyatt & Co

Bales & Robinson

vs

A. D. Thompson et al.

John B. McLean

vs

Same

And C. C. Bales

vs

Same

W. Lehey

Received of H. J. Morgan Comr, in
the above styled causes Sixteen
Dollars my fees in full, including
fees for dismissing, in said three
causes, June 1st 1887.

J. A. Hyatt C. C.

Received of H. J. Morgan Comr. in the above styled
causes Six dollars and fifty cents the Sheriff's fees due
on them. May 17 1887.

S. H. Ewing D. S.

Bales & Robinson Simon

or } the infants to St John

A D Thompson

No 1.2

VIRGINIA--Lee County, to wit:

To *Samuel S. Rose*, Constable of said County:

I Hereby Command You to Summon *A. D. Thompson*, if to be found in your District, to appear at *Bay's Harbor Store*, in said County, on the *6* day of *November* 1885, before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of *Surgeon Bales & Co* and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ *5 10* due by *Acct*. And then and there make return of this Warrant. Given under my hand the *3* day of *Nov*, 1885.

Peter Bays, J. P.

<i>Surgeon Bales & Co</i>)	On the <i>6</i> day of <i>Nov</i> , 1885.
Against		In Debt.
<i>A. D. Thompson</i>)	At <i>Bay's Harbor Store</i> , in said County.

JUDGMENT, That the Plaintiff recover of the Defendant, \$ *5 10*, with interest thereon from the *6* day of *November*, 1885, till paid, and \$ *1 00* for costs.

Peter Bays, J. P.

VIRGINIA--Lee County, to wit:

TO *Samuel S. Rose*, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattels of *A. D. Thompson*, in your County, you cause to be made the sum of \$ *5 10* with interest thereon from the *6* day of *November*, 1885, till paid, which *Surgeon Bales & Co* has recovered before me in a Warrant in Debt, and also the sum of \$ *1 00*, which were adjudged to said *Surgeon Bales & Co* for costs in prosecuting said Warrant. Given under my hand *6* day of *November*, 1885.

Peter Bays, J. P.

Surgeon B. H. & Co
vs { Warrant
A. D. Thompson

Executed by S. J. Roseick
January the 1886
Returned no property
found

S. J. Roseick

A

Filed June 21st 1886

J. R. Gibson clk

Docket Sept 2 1886

D. R. G. clk

VIRGINIA--Lee County, to wit:

To Samuel S Rose Constable of said County :

I Hereby Command You to Summon A. D Thompson, if to be found in your District, to appear at Bays & Harbors store, in said County, on the 6 day of November 1885, before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of Surgener Bales & Co, and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 4.33 due by Notes. And then and there make return of this Warrant. Given under my hand the 13 day of Nov, 1885.

Peter Bays J. P.

Surgener Bales & Co,
Against

A. D Thompson

On the 6 day of Nov, 1885.

In Debt.

At Bays & Harbors store in said County.

JUDGMENT. That the Plaintiff recover of the Defendant, \$ 4.33, with interest thereon from the 31 day of May, 1885, till paid, and \$ 1.00 for costs.

Peter Bays, J. P.

VIRGINIA--Lee County, to wit:

TO Samuel S Rose, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattels of A. D Thompson, in your County, you cause to be made the sum of \$ 4.33 with interest thereon from the 31 day of May, 1885, till paid, which has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00, which were adjudged to said Surgener Bales & Co for costs in prosecuting said Warrant. Given under my hand 6 day of November, 1885.

Peter Bays, J. P.

Surgeon Bales & Co
vs J. Warrant
J. D. Thompson

Executed by J. D. Thompson
Returned the 1886
6 of January
no property found

S. S. Rose ell
Rocke Apr 3. 1886.
Q. B. Gibson ell

(B)

Filed June 21st 1886.
J. R. Gibson ell.

To Mr A.D. Thompson

Whereas on the 5th day of Nov. 1885, Messrs
Sargenter Bales & Co, before me Peter Bays a justice
of the peace for Lee County, State of Virginia did obtain
two judgments at law against you, one of which
is for \$5.10 with interest from Nov. 6 1885, and \$1.00 cost,
and the other is for \$2.33 with interest from May 31st
1885 till paid and the cost of \$1.50 and whereas the
undersigned have incurred the further cost of
\$1.10 in having said two judgments at law returned
to the county clerk's office of Lee County, and therein
docketed according to law, and whereas the executions
which was issued by said justice on said two
judgments have been returned by the constable
to whom directed "no property found"

Notice is now therefore given you, that unless
said two judgments at law with the costs attending
the same shall be paid within 60 days from this
day, a bill in chancery in the Circuit Court of Lee
County will be filed against you, to enforce the
lien of said judgments by a sale of your lands
you subjected to the cost thereof

Bales & Robinson Solicitors for
Sargenter Bales & Co by
H. J. Morgan atty.
Jan 21 1886

Bates & Robinson Surveyors

ss. } Notice

A. D. Thompson

Execute June 28/1894
by delivering a
true copy of this
notice to A. D.
Thompson.

S. H. Ewing Deputy
for R. D. Flanagan & Co.

(6)

Know all men by these presents
that we H. J. Morgan & J. A.
Levy are held and firmly
bound unto the Commonwealth
of Virginia in the just and full
sum of One Hundred & fifty Dollars
& for the prompt payment thereof
well and truly to be made unto
the said Commonwealth we each
waive our homestead exemptions
witness our hands & seals this the
16 day of May 1887.

The condition of the above obli-
gation is such that whereas
the above bound H. J. Morgan
was appointed Commissioner
in the Consolidated Chancery
causes of Bales Robinson Sen.
&c vs A. D. Thompson et al, and
John B. McLin vs Same and
&c &c. Bales against Same
by a decree entered in said
causes at the March Term
1887 of Lee Circuit Court.

Now therefore should the
said H. J. Morgan faithfully
perform said duties & properly
account for all sums of

money which he may
receive under this deed
then this obligation to be
void otherwise to remain
in full force & virtue.

Henry J. Morgan *Be*
J. H. Wyatt *Be*

Bales & Wainwright
3000
Bonds

A. D. Thompson & Co.

Filed May 1887
J. H. Wyatt & Co.

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

*A. D. Thompson Nancy
Surgener, James E. Surgener, J. D.
Surgener Jr. William Weston Susan Weston
James H. Jayne & Sarah Jayne*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *February* next, being Rule Day, to answer a

Bill in Chancery exhibited in our Court against *them*, by *William
Robinson & Daniel B. Bales* Survivors
of themselves & *A. R. Surgener* dead
late partners in trade under the firm
name of *Surgener Bales & Co.*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *25th* day of *January* 188*7* in
the 1*1th* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

(C) H. J. M.

Rules & Robinson

vs 3 Spain & Co

A. D. Thompson & Co

To Febry Rules 1887

Executed by delivering
Office Copies of this
Spa, to Nancy Surgeon
James. Surgeon S. S.
Surgeon J. William
Boston & his wife and
James St. John & his
wife Febry 4th 1887.

S. H. Caring Deputy
for R. D. Llanoy S. L.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon

A. D. Thompson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first Monday October next, being Rule Day, to answer a Bill in Chancery exhibited in our

Court against him, by Daniel B. Bales & Wm J. Robinson Survivors of themselves & A. R. Robinson decd. late Merchants and Partners in trade under the firm name of Suguen Bales & Robinson

And have then and there this Writ, Witness, J. A. G. HYATT, Clerk of our said Court, at the

Court House, this 29 day of Sept, 1886, in the 110 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY--TESTE:

(H.M.)

Bales & Robinson Sum

us } Spain Chcy

A. D. Thompson

To Octo. Rules 1886

Executed by
delivered an
office copy of
this Spal to A. D.
Thompson

Sept. 29th / 886.

S. H. Ewing J. S.